

## LISTING OF THE CLAIMS

### We Claim:

1. (Currently amended)      A method of treating a patient comprising Use use of one or more of the elements from the group yttrium (Y), neodymium (Nd) or zirconium (Zr) for the production of a pharmaceutical formulation for inhibiting the proliferation of human smooth muscle cells.
2. (Currently amended)      The method according to Use of the pharmaceutical formulation as set forth in claim 1, wherein the for inhibition of the proliferation of human smooth muscle cells is directed to in the region of sclerotic, in particular an atherosclerotic lesions lesion.
3. (Currently amended)      The method according to Use as set forth in claim 1 or claim 2 comprising for local restenosis prophylaxis after stent implantation.
4. (Currently amended)      A pharmaceutical formulation containing one or more of the elements from the group yttrium (Y), neodymium (Nd) or zirconium (Zr) for inhibiting the proliferation of human smooth muscle cells wherein characterised in that the formulation is adapted for intravascular liberation after implantation in a vascular vessel and the formulation includes an at least very substantially biodegradable carrier.
- 5-6 (Cancelled)
7. (Currently amended)      A formulation as set forth in claim 6-4, characterised in that wherein the carrier is an alloy, in particular selected from the group consisting of magnesium, iron ~~or~~ and tungsten alloy alloys.
8. (Currently amended)      A formulation as set forth in claim 6-4, characterised in that wherein the carrier is a bioresorbable polymer and one or more of the elements selected from

the group consisting of Y, Nd or Zr is embedded in the form of a powder ~~powders~~ or microparticles in the polymer.

9. (Currently amended) A formulation as set forth in claim 4, ~~in one of claims 4 through 8 characterised in that~~ wherein the formulation contains Y in a quantitative proportion of between 0.1 and 10% by weight with respect to the total weight of the formulation.

10. (Currently amended) A formulation as set forth in claim 4, ~~in one of claims 4 through 9 characterised in that~~ wherein the formulation contains Nd in a quantitative proportion of between 0.1 and 5% by weight with respect to the total weight of the formulation.

11. (Currently amended) A formulation as set forth in claim 4, ~~in one of claims 4 through 10 characterised in that~~ wherein the formulation contains Zr in a quantitative proportion of between 0.1 and 3% by weight with respect to the total weight of the formulation.

12. (Currently amended) A formulation as set forth in claim 7, ~~characterised in that~~ wherein the formulation is a magnesium alloy and contains Y in the range of between 3.7 and 5.5%, rare earths without Y in the range of between 1.5 and 4.4% by weight and remaining elements < 1%.

13. (Currently amended) A formulation as set forth in claim 7, ~~characterised in that~~ wherein the formulation is a magnesium alloy and contains Y in the range of between 3.7 and 5.5% by weight, Nd in the range of between 1.8 and 2.7% by weight, and Zr in the range of between 0.2 and 1.2% by weight.

14. (Currently amended) A formulation as set forth in claim 13, ~~characterised in that~~ wherein the magnesium alloy is WE43 (W25/EP5M).

15. (Currently amended) A formulation as set forth in claim 4, ~~in one of claims 4 through 14 characterised in that~~ wherein the formulation contains Y and is so adapted that there is an

yttrium concentration in the region of the human smooth muscle cells to be treated of between 200  $\mu$ M and 2 mM, in particular between 800  $\mu$ M and 1 mM.

16. (Currently amended) A formulation as set forth in claim 4, ~~in one of claims 4 through 15 characterised in that~~ wherein the formulation contains Nd and is so adapted that there is a neodymium concentration in the region of the smooth muscle cells to be treated of between 600  $\mu$ M and 2 mM, in particular between 800  $\mu$ M and 1 mM.

17. (Currently amended) A formulation as set forth in claim 4, ~~in one of claims 4 through 16 characterised in that~~ wherein the formulation contains Zr and is so adapted that there is a zirconium concentration in the region of the smooth muscle cells to be treated of between 200  $\mu$ M and 2 mM, in particular between 200  $\mu$ M and 1 mM.

18. (Currently amended) A formulation as set forth in claim 4, ~~in one of claims 4 through 14 characterised in that~~ wherein the formulation contains Y, Nd and Zr and is so adapted that there is an yttrium concentration of between 350 and 550  $\mu$ M, a neodymium concentration of between 100 and 200  $\mu$ M and a zirconium concentration of between 10 and 30  $\mu$ M in the region of the smooth muscle cells to be treated.

19. (Currently amended) An implant with a coating or a constituent of a formulation as set forth in claim 4 ~~in one of claims 4 through 18~~.

20. (Currently amended) An implant as set forth in claim 19 ~~characterised in that~~ wherein the implant is an endovascular support device ~~in particular a stent~~.

21. (Currently amended) An implant as set forth in claim 20 ~~characterised in that~~ wherein there ~~are~~ is between about 5 and 30  $\mu$ g of yttrium, ~~in particular between 10 and 20  $\mu$ g of yttrium~~, in relation to 1 mm stent length.

22. (Currently amended) An implant as set forth in claim 20, wherein ~~characterised in that~~ there ~~are~~ is between about 2 and 20  $\mu\text{g}$  of neodymium, ~~in particular between 3 and 10  $\mu\text{g}$  of neodymium,~~ in relation to 1 mm stent length.

23. (Currently amended) An implant as set forth in claim 20 ~~characterised in that~~ wherein there ~~are~~ is between about 0.05 and 10  $\mu\text{g}$  of zirconium, ~~in particular between 0.5 and 6  $\mu\text{g}$  of zirconium,~~ in relation to 1 mm stent length.

24-25 (Cancelled)